

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE ESTABLISHMENT )  
OF THE ANNUAL NEW MOTOR VEHICLE )  
DEALERS ASSESSMENT FOR 2018 ) PSC DOCKET NO. 18-0004  
(OPENED JANUARY 5, 2018) )  
)  
)

**ORDER NO. 9168**

**AND NOW**, to wit, this 16<sup>th</sup> day of January, 2018;

**WHEREAS**, pursuant to 6 Del. C. § 4915(g), the Commission is authorized to develop an annual assessment to be paid by all new motor vehicle dealers in order to defray the annual cost to the Commission of administering the applicable provisions of 6 Del. C. ch. 49;

**AND WHEREAS**, the Staff of the Commission has reported: (1) that the proposed annual cost of administration of 6 Del. C. ch. 49 for fiscal year 2018 is approximately \$15,000 per year; (2) that the Commission has not expended any significant funds and will not require any assessment for the year 2018; and (3) that the amount projected to remain unexpended at the end of fiscal year 2017 will not exceed the amount of \$15,000;

**AND WHEREAS**, in light of the above, it appears that the known unexpended amount for fiscal year 2017 will be substantially equivalent to the amount to be needed for administration of fiscal year 2018 and if any present assessment was in fact imposed, the amount to now be collected would not likely exceed the costs of determining and collecting such an additional assessment;

**AND WHEREAS,** given the above projections and the likely costs of collection, the Commission finds that the prudent, and appropriate course, is not to impose an assessment for the year 2018, but rather, as permitted by 6 Del. C. §4915 (g), to have the unexpended amounts carried forward to the new fiscal year, thereby eliminating the need for any annual assessment for the year 2018;<sup>1</sup>

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. That, pursuant to 6 Del. C. § 4915(g), the Delaware Public Service Commission determines, based upon the report presented by its Staff and for the reasons set forth in this Order, that the Commission need not, for the year 2018, make an assessment against new motor vehicle dealers to defray the anticipated costs for administering the provisions of 6 Del. C. ch. 49 in fiscal year 2018. In particular, the Commission determines that the unexpended amount remaining from fiscal year 2017 and the amount projected to be remaining from fiscal year 2018 are sufficient to defray the projected costs of administration in fiscal year 2018.

2. That, in light of the determination made that an assessment is not needed; the Secretary need not notify each new motor vehicle dealer of any annual assessment. However, the Secretary shall post a copy of this Order to the Commission's Internet website with a notation that any new motor vehicle dealer may file a protest with the

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<sup>1</sup> The State of Delaware's budget operates on a July 1 to June 30 fiscal year, but the provisions of 6 Del. C. §4915 calculates the assessment utilizing a January 1 to December 31 calendar year.

Commission if the dealer believes that the Commission's decision not to impose an assessment is improper.

3. That the Commission reserves the jurisdiction and authority to enter such other or further Orders concerning this matter as may be deemed to be necessary or proper.

**BY ORDER OF THE COMMISSION:**

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Chair

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Commissioner

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Commissioner

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Commissioner

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Commissioner

ATTEST:

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Secretary